

Remarks/Arguments

Claim 42 has been canceled from the present application to overcome the rejection of claim 42 under 35 U.S.C. §112, first paragraph.

Claim 28 has been amended as suggested by combining claims 29, 40 and 41, which have been canceled from the present application, into claim 28.

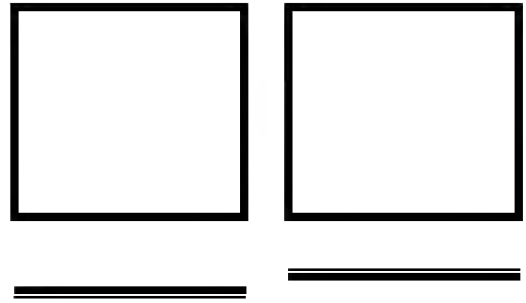
Claim 28 has also been amended to remove "biases said means" and to now recite: ". . . said ridges biasing said magnetic or magnetically attractive strip away from the other sealing loop . . ." to overcome the related rejections of claim 28 under 35 U.S.C. §112, second paragraph, set out in paragraphs 5 and 7 of page 3 of the identified Office action.

Claim 28 has also been amended to clarify the last three lines of claim 28 which now recite: "said sealing loops moving from a position wherein they are out of mutual alignment with one another when said closure is in an opened position relative to said container to a position wherein said sealing loops are in mutual alignment with one another when said closure is in a closed position relative to said container to seal said closure to said container by increasing aggregate magnetic attraction between the sealing loops and thereby overcome said bias of said ridges of said resiliently flexible seal." It is respectfully submitted that this amendment overcomes the rejections of claim 28 under 35 U.S.C. §112, second paragraph, set out in paragraphs 6 and 8 of page 3 of the identified Office action. It is respectfully submitted that claim 28 as amended is in full compliance with §112, second paragraph, and withdrawal of that rejection is requested.

To better understand the invention and the amendment of the last three lines of claim 28, operation of the seal of the present application will now be explained.

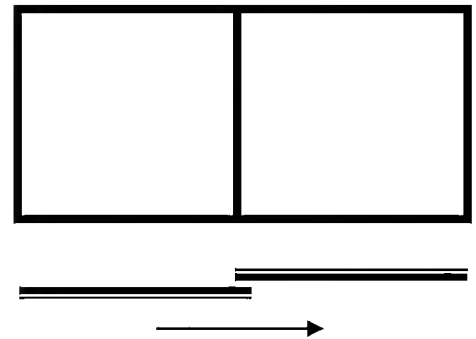
PLAN

1. Sealing loops fully separate, hence practically zero attraction. (container open)

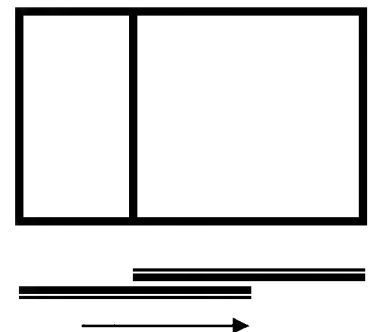


SIDE

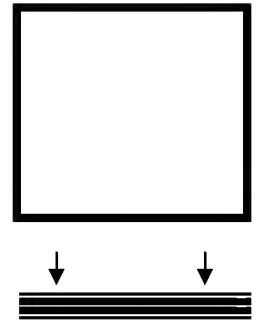
2. The rear section of the moving loop passes the front section of the fixed loop. Fleeting initial like-pole repulsion is followed by opposite-pole attraction - but this is not sufficient to overcome the bias of the ridges of the seal acting against that attraction. (initial movement to close container)



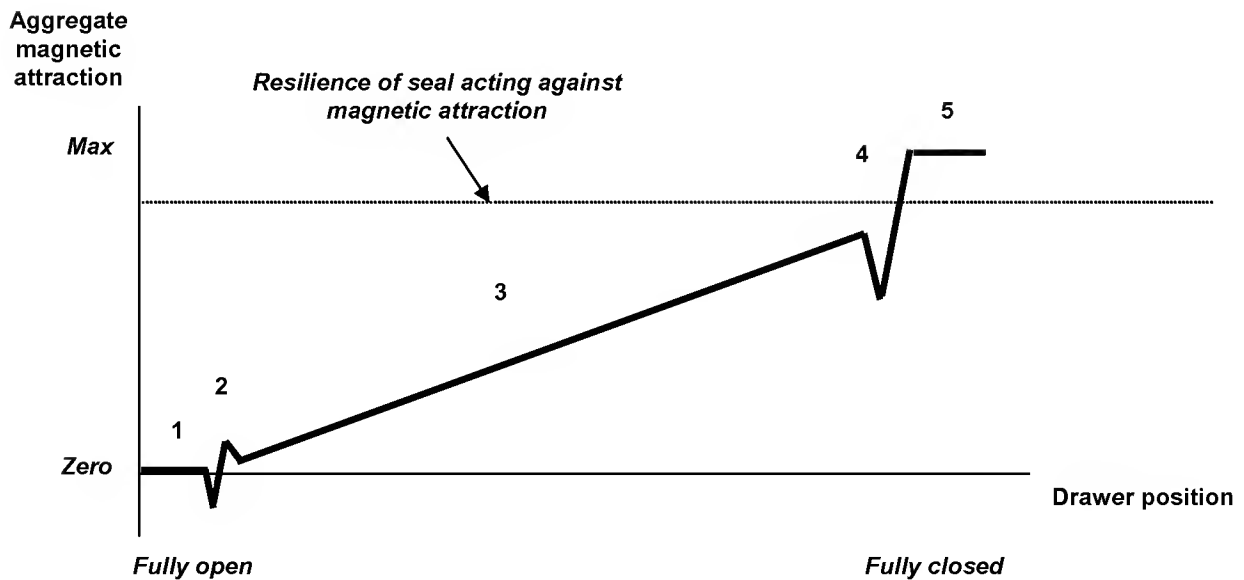
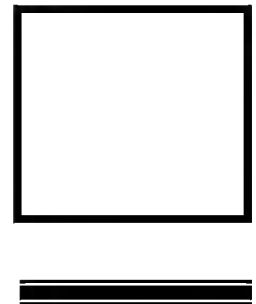
3. There is gradually-increasing like-pole attraction as side sections of the moving loop advance along side sections of the fixed loop. Again, this attraction is not sufficient to overcome the bias of the ridges of the seal acting against that attraction. (closing container)



4. The rear section of the moving loop reaches the rear section of the fixed loop. Simultaneously, the front section of the moving loop reaches the front section of the fixed loop. Again, fleeting initial like-pole repulsion is followed by opposite-pole attraction – but this time, the aggregate attraction is sufficient to overcome the bias of the ridges of the seal acting against that attraction. This is because both the front and rear sections of the loops now cooperate. (container closed)



5. The bias of the ridges of the seal acting against magnetic attraction having been overcome, the sealing loops are held tightly in sealing contact until the drawer is opened again. (container closed and sealed)



Colliander (US4538380) discloses the use of longitudinally extending ribs 41 in a seal to provide low friction when a member is moved relative to the seal. To provide low friction, the ribs 41 must maintain the areas between the ribs 41, shown but not numerically identified in Fig. 6, away from a movable member 35, shown in Fig. 5. If the bias provided by the ribs 41 was overcome in any way, which is neither disclosed nor suggested by Colliander, it would defeat the intended low friction movement of the movable member 35 relative to the seal 41. Accordingly, it is respectfully submitted that Colliander teaches away from the present invention wherein generally parallel ridges separated by a web maintain clearance between the web and a cooperating sealing surface for low friction movement of a closure relative to a container but are overcome so that the web seals the closure relative to the container once the container is closed.

In Earle (GB602329), the upper edges of the container 41 make a snug fit with the lower edge of the closure 54 and these are considered to be the sealing loops of the present application in the action. It is not apparent from Earle that at least one of the upper edges of the container 41 or the lower edge of the closure 54 comprises a resiliently flexible seal having an elongate member with generally parallel ridges separated by a web as now recited in claim 28. Further, as noted in the action, Earle does not disclose sealing using magnetic means. Kiel (US5309680) is cited for teaching magnetic means.

Kiel discloses a magnetic seal for releasably sealing two doors arranged side by side on a thermally insulated cabinet such as a refrigerator or freezer. A retainer gasket is affixed to the inner edge of each door. One of the retainer gaskets encloses a magnet and retains the magnet fixed in place relative to the door. Another retainer gasket is affixed to the other door and is formed of a base, a sleeve enclosing a second magnet, and two flexible webs connecting the sleeve to the base. The retainer gaskets and magnets are arranged so that the magnets attract each other to releasably seal the doors. When one of the doors is opened slightly, the magnets are arranged to repel each other and assist in

easily opening at least one of the doors. A magnet having more than two magnetic poles may be used to assist in sealing and opening at least one of the doors.

While Kiel does disclose magnetic means, Kiel like Earle does not disclose sealing loops. Rather a magnet 66 is attracted to a magnet 44 so that sleeves 64 and 42 make contact to releasably seal the doors¹. Neither the term "loops" nor "sealing loops" is found in Kiel. The "bulges" above the magnet 66 as shown in Figs. 3 and 5 noted in the action are being interpreted as "sealing loops". It is apparent, however, that the bulges do not provide any sealing and in fact cease to exist during sealing. As shown in Fig. 4, the only place where a seal is actually illustrated in Kiel, the bulges have disappeared as the magnets 66 and 44 attract one another so that the sleeves 64 and 42 make contact to releasably seal the doors. Accordingly, it is respectfully submitted that Kiel does not teach what it is asserted as teaching in the identified Office action.

Jeziorowski discloses a gasket assembly for use in side-by-side, or French doors, for a refrigerator wherein door stops bear the door closure forces by engaging the top and bottom walls of the refrigerator food compartment. The door stops form part of an edge flange of a retainer that extends along the length of the refrigerator door. The retainer acts as a seat for a flexible gasket and maintains the integrity of the flexible gasket seal alignment between the side-by-side doors. Thus, a thermal seal barrier is maintained along the entire length of the door by the door stops maintaining the gasket a constant distance from the top and bottom walls of the food compartment. While both Kiel and Jeziorowski, as well as innumerable other U.S. and foreign patents, disclose the use of magnetic means for use in closing and sealing refrigerator doors, one skilled in the art

¹ Doors 22 and 24 are shown in a closed position in FIGS. 3 and 4. Magnets 44 and 66 are preferably arranged as shown with north and south magnetic poles of magnet 44 being proximate to opposing south and north magnetic poles, respectively, of magnet 66 when doors 22 and 24 are in the closed position. When in the closed position, magnets 44 and 66 impart an attracting force on each other, thus moving magnet 66 transversely outward away from door 24 and toward magnet 44, until sleeve 64 and 42 make contact, thereby releasably sealing doors 22 and 24. Kiel, column 3, lines 1-11.

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would not be inclined to combine this technology with Earle, refrigerator technology of the era of World War II. In any event, such combination would not result in the storage compartment as disclosed and claimed in the present application.

In summary, it is respectfully submitted that the invention of the present application as now claimed in claim 28 as amended in this response fulfills all requirements of 35 U.S.C. §112 and distinguishes over all prior art of record in the present application.

In view of the above amendments and remarks, it is respectfully submitted that claim 28, and claims 30-39 and 43-51 that depend from claim 28, are in condition for allowance. Accordingly, applicant requests reconsideration of the application and allowance of all pending claims, claims 28, 30-39 and 43-51.

If the present amendment raises any questions or the Examiner believes that an interview would facilitate prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,
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